

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.23924 OF 2005

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Dt:09.11.2005

Between:

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P.Lingaiah

... Petitioner

The Regional Manager and another.

and

... Respondents

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THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.23924 OF 2005

ORDER:

The petitioner is working as a driver in Narkatpalli Depot of A.P.S.R.T.C. Through proceedings, dated 22.11.2004, the Regional Manager, A.P.S.R.T.C. Nalgonda, the first respondent herein, placed the petitioner in the special grade with effect from 01.08.1999 on completion of twelve years of service. The grievance of the petitioner is that two years of his service was not taken into account on the ground that he was under suspension, but, in fact, in I.D.No.601 of 1993, the Labour Court passed an

award directing not only reinstatement of the petitioner, but also continuity of service. He states that he ought to have been placed under special scale with effect from 01.08.1999.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

The petitioner was extended the benefit of placement in special grade on completion of twelve years of service. The first respondent has taken the active service of the petitioner and did not take into account the period during which he was placed under suspension. The said period of two years was treated as out of service.

If the Labour Court has directed reinstatement of the petitioner as well as continuity of service, the period during which the petitioner was out of service, cannot be ignored. However, much would depend upon the purport of the concerned regulations, which have a bearing on this matter. For this purpose, the writ petitioner can make a representation to the first respondent narrating the relevant facts and circumstances.

Hence, the writ petition is disposed of leaving it open to the petitioner to submit a representation narrating the relevant facts and enclosing the copy of the Award passed by the Labour Court in I.D.No.601 of 1993. On receipt of such representation, the first respondent shall consider the same and pass appropriate orders, within a period of six weeks thereafter.

09.11.2005

kdl